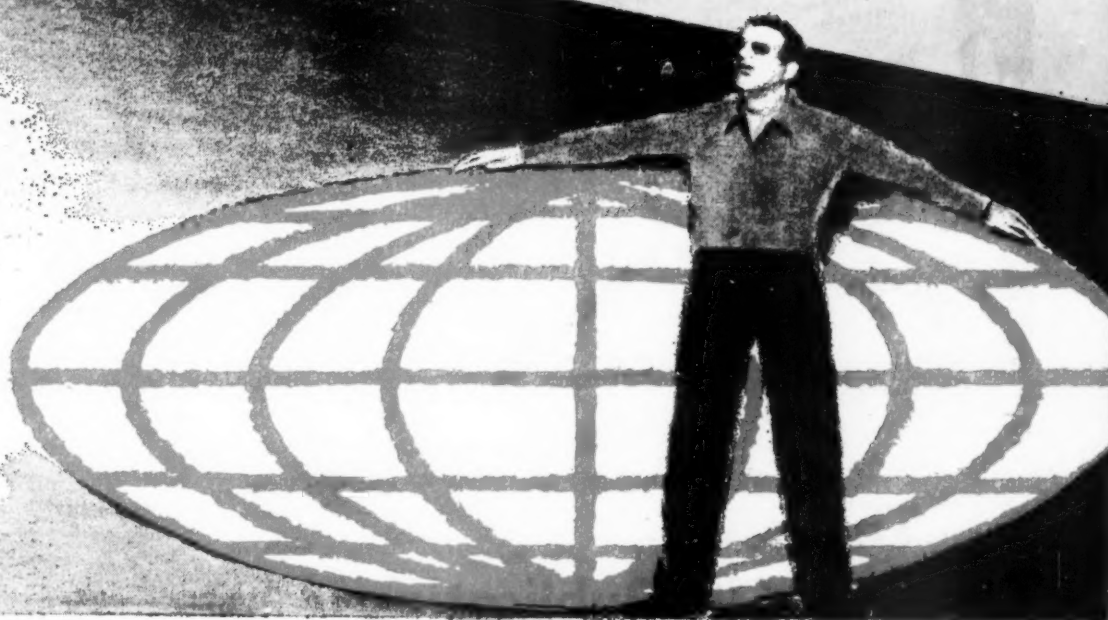
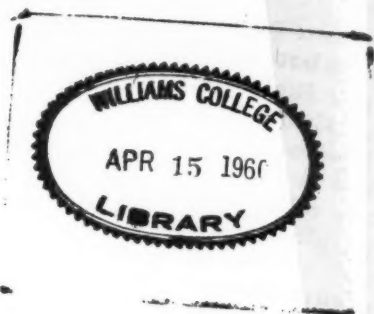


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# The American Federationist

APRIL 1960



**STRUGGLE FOR  
PEACE  
AND FREEDOM**

**AFL-CIO Conference  
on World Affairs  
New York City  
April 19-20** *See page 2*

Price: Free in limited quantities.  
An analysis of social insurance, minimum wage and child labor laws in states which have adopted 'right-to-work' laws.

#### Labor Lifts The Bar To Opportunity

4 pp. Published: May 1958.  
Price: 3c per copy; 70c for 100; \$6.00 for 1,000.

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64 pp. Published: January 1959.  
Price: 20c per copy; 10 or more, 17c each; 100 or more, 15c each; 1,000 or more, 13c each.

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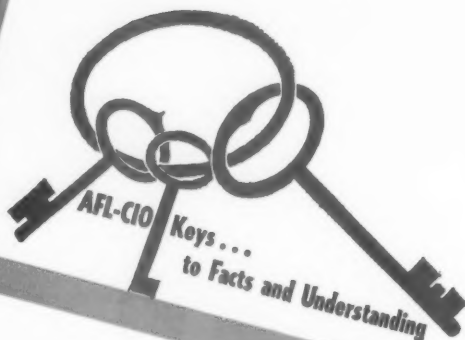
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The spring of 1960 finds new attention focused on two major events—the continuing worldwide struggle for peace and freedom and the election of a President of the United States.

In this issue of the American Federationist the background of both events are examined. In the article starting on Page 2 some of the realities of the world crisis are examined in the context of the upcoming AFL-CIO Conference on World Affairs. And bringing the Communist issue into our own backyard is a discussion of the Communist attempt to move into American political life on Page 22.

The election of a President places new emphasis on the mechanics of a democracy as well as the electoral procedures. In this issue some of these mechanics which may be decisive in formulating the issues and the vote in November are discussed.

The conservative coalition that has dominated Congress for several decades is examined in an article on Page 4 discussing its formation and its origins and exploring the whys and hows of its power.

The gerrymandered districts that plague American democracy are analyzed and placed in perspective in an article beginning on Page 14.

The operation of a filibuster and what it means for American democracy, who carries the tax load that pays for operation of democratic government, the role of "right-to-work" laws in the American democracy, the problems of America's children and youth—the future voters—all these are discussed this month.

# The American Federationist

Official Monthly Magazine of the American Federation of Labor and Congress of Industrial Organizations

GEORGE MEANY, *Editor*

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APRIL 1960

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# *The Realities of the In a Changing World*

**With May 1960 shaping up** as one of the decisive months in the world's history it has become more important than ever before for all Americans to gain the fullest possible understanding of the realities of the international scene at the present moment.

The AFL-CIO is intensely interested in international developments and is continuously examining the changes in world conditions. As the nations of the world announce their policies and our government takes its position, the AFL-CIO considers its attitude on the issues involved.

Our policy is set forth in successive statements adopted at conventions or by the AFL-CIO Executive Council between conventions. It has been said that these statements get longer and longer as the effort is made to cover all the issues which become more and more complex. But changes do occur and there are difficulties in keeping up-to-date.

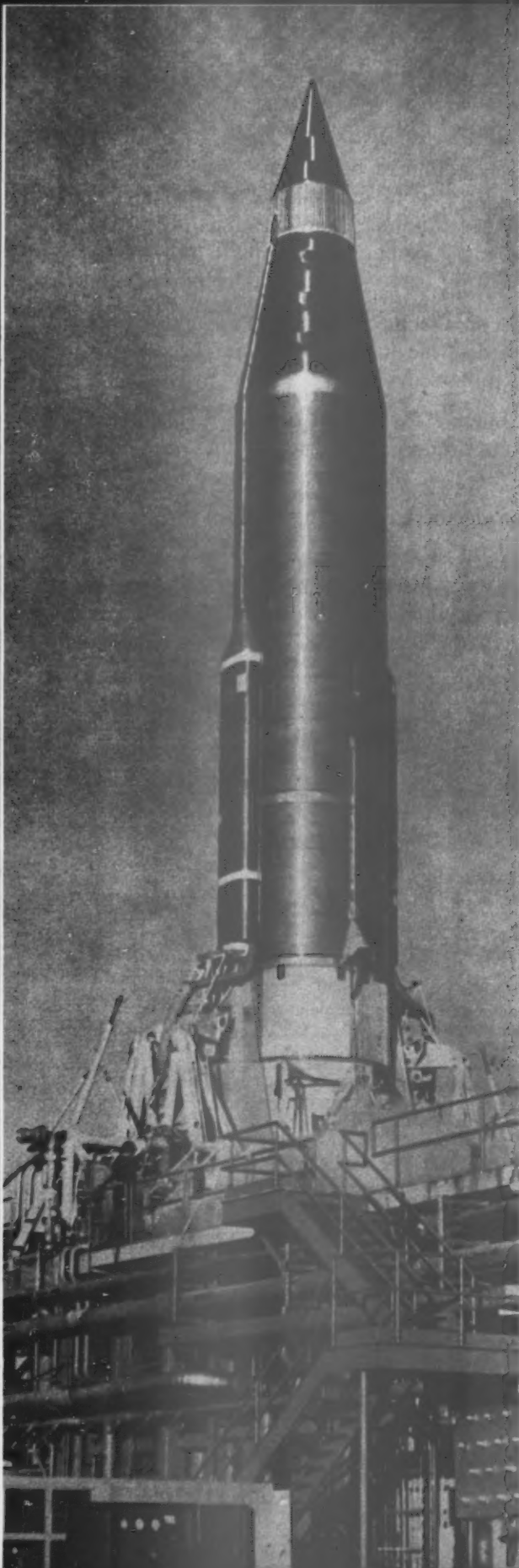
The world does not stand still. Technological developments greatly affect previous decisions. Refinements in detection mechanisms, for example, affect the policy on nuclear tests. At the same time, developments in the techniques of muffling underground explosions affect the efficiency of detection mechanisms.

The industrial advance of the Soviet Union—at tremendous cost to the Soviet consumer and the Soviet people in general—has greatly increased its capacity to expand its foreign economic aid and to influence the policies of the lesser developed countries. Its entry into world trade and its role in world markets provide it with new weapons for creating trouble and subverting new areas of the world.

**Tremendous scientific resources** are devoted by the leading powers to the improvement of modern weapons of mass destruction. Airplanes, missiles, warships, etc., become obsolescent ever more quickly. This, unfortunately, provides the major powers with increasing stocks of weapons, obsolete for them, but suitable for disposal at cut rates to lesser powers anxious to acquire the military establishment associated with adulthood.

Similarly, the economic recovery of Western Europe and the return of those war-shocked nations to

MICHAEL ROSS is director of the AFL-CIO Dept. of International Affairs and a veteran free world labor observer.





# the Crisis in World

by Michael Ross

self-confidence leads to cracks and strains in an alliance conceived under different conditions. NATO, the shield and sword of the West in Europe, therefore has to undergo revisions and modify the scope of its activities.

The rapid progress toward independence of countries on the Africa continent—a progress more rapid than any forecast, even the most optimistic, that could have been made two or three years ago—raises new problems. An understandable suspicion of the nations which previously dominated these African territories impels them toward “neutrality” with all its dangers.

**The death of Stalin** and the vast propaganda of the new look in Soviet Russia fed the understandable hopes of many in the free world that the Cold War might be ending. For a time it looked to many that the thaw had begun. The pleasures of spring were to replace the winter snows. Then came Hungary. But so strong is the hope and desire of mankind for peace that even now in the West, the hope lingers on.

Maybe, it is said, the Russians are getting away from the crudities of Stalinism. Maybe, as their industrial capacity develops, as their people obtain more of the good life, the drive for expansion will taper off. Maybe, as Russian illiteracy is overcome and a larger proportion of their population enjoys university education, it will be impossible for the ruling clique to control so tightly the thoughts, opinions and expressions of the Russian people.

It was in such a climate that a few short years ago the Soviet drive for summit meetings was inaugurated. How reasonable it all seemed on the surface. Of course if the invitation to meet at the height was not immediately accepted by the western powers, then a little reversion to toughness might be helpful. A crisis could be developed around Quemoy and Matsu. Attention could be drawn to the “anomaly” of free West Berlin surrounded by East Germany. It could be announced that they were anxious to withdraw their forces from Germany and so would hand over control to their puppet East German Government, and so on.

**These and other moves were made**, alas with some success, with the intention of dividing the western allies. The Russians hoped to divide the allies on

the question of the appropriate response they should make, how much tension to relax. Not only was the object to divide the western allies, but also, because of the internal democratic systems of these allies, to divide the people within each country.

The procession of would-be statesmen, ex-statesmen, legislators, presidential candidates, and so on, to Moscow—each accorded his interminable private interview with Khrushchev—prepared the way for the bewilderment which has emerged from the various congressional hearings on our defense and on our foreign policy. So we witness the spectacle here in the United States of America of the confusion of advice and estimates of the world situation.

Now the summit conference is set to take place in May. It is vitally necessary for all Americans to gain the fullest possible understanding of the realities of the international scene at the present moment.

**It was against this background** that the AFL-CIO Executive Council, at its meeting last February, decided to call a Conference on World Affairs dealing with the central issue of our times, “The Struggle for Peace and Freedom.”

This decision illustrated once again the deep and intense interest of the AFL-CIO in international developments. Indeed, as the council statement pointed out, the present continuing world crisis requires that we intensify our concern and increase our knowledge of the issues with which our nation has to deal.

It is not proposed here to trace the long-standing interest which, in common with workers in other countries, American workers have had in the preservation of world peace and the promotion of world prosperity.

But it is worth noting that organized labor was ahead of most other organizations in the United States in recognizing this national need.

It is more important to note the increase in our concern, in common with all other Americans, with general foreign policy developments because of the growing role of our country in the world. The AFL-CIO realizes that it is vitally important that its members understand the issues which have arisen in international affairs affecting world peace and the survival of freedom.

**Since World War II**, mankind has lived in a state of continuous international crisis. As soon as the Soviet Union had achieved some measure of recovery from its wartime damage, the outline of the Cold War began to take shape. The councils of the world, despite the existence of the United Nations and lip service to its ideals, were continually troubled by the presence of an aggressive, powerful dictatorship, the most complete totalitarianism the world has ever known.

And recent history has taught us, above all other lessons, that the major aggressive wars are launched by totalitarian dictatorships. Undeterred by internal

**Continued on Page 24**

# The Real Power in Congress— A 23-Year-Old Coalition



**The congressional decisions on** legislative issues which will figure importantly in the 1960 election campaign will be made by a coalition of conservative forces from both the Democratic and Republican parties which has shaped the nation's political direction for the past 23 years.

Since 1937 the Republican-southern Democratic voting coalition has controlled the basic decisions on legislation dealing with education, social welfare, labor, regulation of business, public works and resource development, civil rights, immigration, taxes and other economic issues.

These issues will play a prominent role in the 1960 elections because the coalition has frustrated attempts to achieve workable and effective solutions of the problems that underlie the need for legislation in these areas.

This conservative—and at times reactionary—coalition has been rather hazily reported despite its decisive effect on legislation for over two decades. The mass communication media conveniently lump all members of political parties into one or the other without defining the vitally important differences between individual members and groups of members.

**The basic arithmetic** of the make-up of Congress is far more complex than the simple division into Republicans and Democrats. In the Democratic Party there are three basic divisions—Southern Democrats, Border Democrats and Northern and Western Democrats. In Republican ranks there are liberals and conservatives.

The Democratic Study Group, an informal grouping of liberal Democratic congressmen, has compiled a breakdown of coalition strength on the basis of three roll call votes in the first session of the 86th Congress. These votes included a housing bill, a states' rights measure and the labor control law. On these issues the coalition had a total vote of 225 compared to 196 for the liberal groupings.

This contrasts sharply with the party breakdown in the House which shows the Democrats with the largest majority since New Deal days—281 Democrats to 154 Republicans and two vacancies.

How did the original coalition of conservatives, formed in 1937 to stop the New Deal program, achieve its present strength and status? What has helped it maintain its controlling position over the years?

A number of explanations have been advanced to explain the coalition's grip on Congress—the high degree of party discipline among Republicans contrasted with the low degree of party unity, loyalty and responsibility to party platforms among southern Democrats; procedural roadblocks in the House legislative machinery controlled by coalition leaders; the seniority system; the one-party system in the South; the apportionment formulas of many states which give rural areas disproportionate representation in state legislatures and Congress.

**These and many other explanations** have been advanced but the fact of coalition domination of Congress remains and has been a factor since 1937. This is how it got started.

In the first session of the 75th Congress, Democrats controlled the House by a 333-89 margin. Major New Deal reform measures were already on the statute books and the overwhelming Democratic victory in 1936 had provided a clear mandate for the Roosevelt Administration to continue its New Deal reform and economic recovery programs.

On the national scene, organized labor was beginning to assert itself as an economic force, aided by enactment of the Wagner and Walsh-Healey Acts. Organizational strikes were being conducted in the basic industries. However, the Liberty League was strongly resisting these inroads and confidently expected the Supreme Court to rule the Wagner Act unconstitutional in a test case.

When the court upheld the act in April 1937, it became clear to many conservatives in the industrial North and the low-wage farm areas of the South that only for forging a bipartisan conservative alliance in Congress could they hope to stem the tide of New Dealism, with its growing emphasis on the needs of city-dwellers, minority groups, workers, small farmers, and other under-privileged segments of the population.

This was the year that conservatives succeeded in seizing control of the House Rules Committee. They were able to change its role from that of a "traffic cop" in scheduling measures reported by standing committees for floor action, subject to majority leadership decisions, to that of a policy-making body—dictating to all members which bills it deemed worthy of being considered on the House floor.

During the 1937 session, almost 10 percent of all House roll calls showed Republicans and a majority of southern Democrats voting against a majority of Democrats from the rest of the country. Democrats divided sharply on such votes as those to authorize an investigation of "sit-down" strikes, on anti-lynching legislation, alien relief, and immigration measures.

The coalition also succeeded in blocking consideration of the fair labor standards bill for the remainder of the session. However, a concerted drive by the Administration resulted in passage of the bill in the second session, after it was pried out of the Rules Committee by a discharge petition.

**Following the sharp Democratic setback in the 1938 off-year elections, the coalition became an even more potent force. The campaign was marked by Pres. Roosevelt's largely unsuccessful "purge" attempts against several conservative congressional Democrats.**

During the first session of the 76th Congress, the coalition won two important victories—forcing an investigation of the NLRB because of alleged "pro-labor" rulings and in passing the Hatch Act to prohibit political activity by federal employees. Cleavages between northern and southern Democrats widened on such issues as housing, civil rights, labor legislation, immigration, relief, and regulation of business.

Although the outbreak of World War II in Europe curtailed the New Deal domestic programs, the influence of the conservative coalition continued to grow. By 1941, coalition voting frequency had increased to more than 13 percent of all House roll calls.

**During the war years, the coalition succeeded in passing the Smith anti-strike bill, a "states' rights" armed services' voting bill, established the Un-American Activities Committee as a permanent House committee, and watered down the price control program and the excess profits tax measures.**

By 1945, coalition voting alignments took place on 16 percent of all House roll calls, as a combination of Rules Committee power seniority, and attrition among northern Democrats in off-year elections helped conservatives strengthen their grip on the legislative machinery of the House.

In the immediate postwar period of the 79th Congress the coalition used its power to pass the Case strike-control bill, to exclude farm labor from NLRB jurisdiction, to turn over the U.S. Employment Service to the states, and to take the first steps toward gutting the price control program. This latter action soon resulted in a wave of speculation, profiteering, and inflation, costing the American public billions of dollars in lost purchasing power.

After the election of the Republican 80th Congress in 1946, the coalition achieved its greatest numerical strength. It succeeded in passing the Taft-Hartley Act and in overriding President Truman's veto of the "rich man's" tax-reduction bill, and further weakened price and rent controls.

The coalition had a hand also in blocking such measures as an effective public housing program, federal aid to education, civil rights, an increase in the

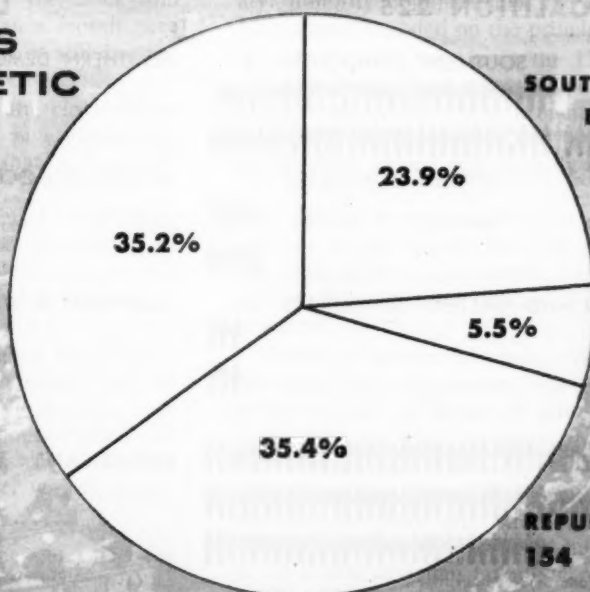
## 86th CONGRESS BASIC ARITHMETIC

NORTHERN & WESTERN  
DEMOCRATS\*  
153

SOUTHERN  
DEMOCRATS  
104

BORDER  
DEMOCRATS  
24

REPUBLICANS  
154



\* Includes 2 Vacancies



minimum wage, an adequate farm program, and other legislation which President Truman proposed to the 80th Congress. His 1948 "whistle-stop" campaign against the "special interests" which dominated the 80th Congress won for him his upset victory over Dewey and formed the basic planks of his Fair Deal program.

**A number of the southern leaders** of the coalition in Congress bolted the Democratic Party in 1948 and either openly supported the States' Rights presidential candidate, Strom Thurmond, or sat on their hands during the campaign. The States' Rights ticket carried Alabama, Louisiana, Mississippi, and South Carolina.

When the 81st Congress convened, there were demands from some quarters that action be taken against those who worked for Thurmond's election, but the southern bolters were welcomed back into the fold. Patronage, seniority rights, and committee chairmanships were not disturbed.

The Republican-southern Democratic coalition in the 81st Congress was a major force in blocking enactment of important segments of the Truman legislative program and in watering-down others. A majority of Republicans and southern Democrats voted together against Administration proposals on about 30 percent of all substantive roll calls in the House.

The high frequency of coalition voting is at least partially explained by the change in House rules on the opening day of the session. The House Rules Committee was stripped of its power to pigeon-hole bills reported by standing committees by adoption of the 21-day rule, which permitted a committee chairman to call up bills reported by his committee, if they were not acted upon by the Rules Committee within a 21-day period.

Among the measures brought to the floor under the

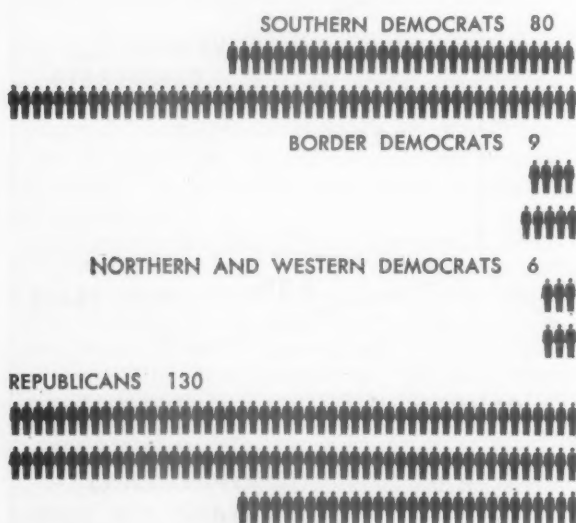
new 21-day rule were Hawaiian and Alaskan Statehood bills, a Rivers and Harbors bill, the National Science Foundation bill, an anti-poll tax bill, a VA hospital bill, and a joint resolution providing for U.S. participation in international organizations. In addition, the threat of using the new rule forced a reluctant Rules Committee to act on minimum wage, social security, and public housing legislation, all of which were subsequently enacted into law.

The conservative coalition succeeded in defeating an attempt to repeal the Taft-Hartley Act; in rejecting the Brannan farm plan; in permitting "local option" decontrol of rents; in defeating the National Minerals Act; in watering down the minimum wage bill; in passing the natural gas and basing point bills (both vetoed); in reducing foreign aid funds and funds for public housing; in rejecting controls over commodity speculation, and in watering down an FEPC bill.

**During the Eisenhower Administration** the coalition has continued to play a dominant role. It has won a number of important victories, including those in which it turned over off-shore oil resources to a few coastal states; reduced funds for the soil conservation program; blocked liberalization of the unemployment compensation system; watered down several public housing bills; passed the natural gas bill; defeated school construction legislation; watered down a minimum wage bill increasing the extent of coverage; blocked an investigation of Administration fiscal and monetary policies; defeated the Kennedy-Ives labor reform bill; blocked consideration of the community facility loan program.

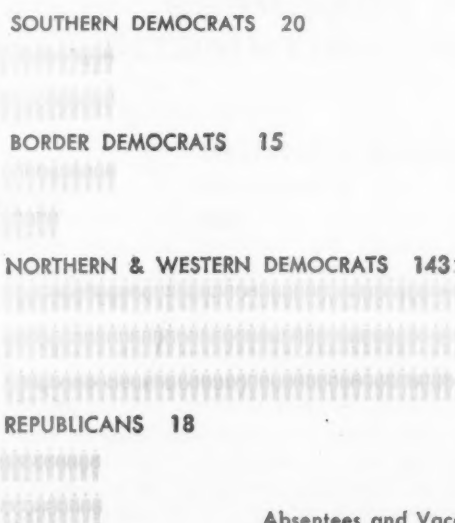
The coalition has also appeared on such issues as anti-trust legislation, water pollution control measures, civil rights, natural resource development, public works, foreign aid, HEW appropriation measures, and legislation affecting the District of Columbia.

## COALITION 225



Compiled by the Democratic Study Group

## LIBERALS 196



Absentees and Vacancies 16

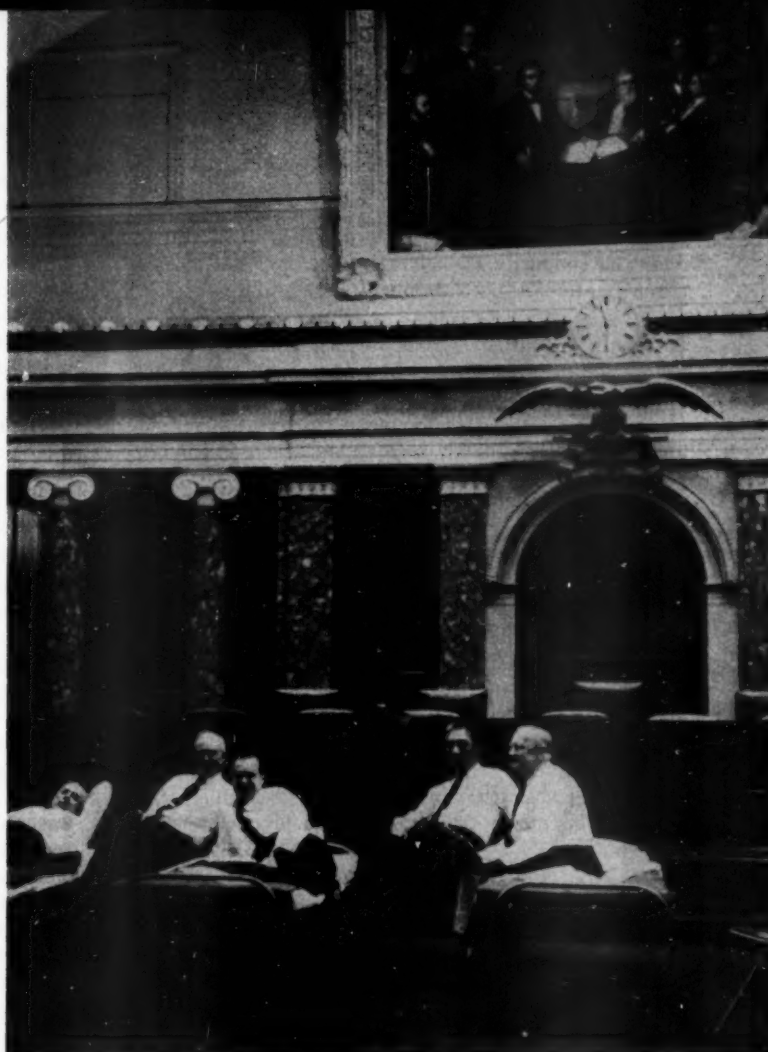
AFL-CIO AMERICAN FEDERATIONIST





# Profile Of a Filibuster

by Gene Zack



John Marshall and other early members of the Supreme Court little dreamed their chamber would become a dormitory for tired senators.

**The U.S. Senate**, which can make the clock and the calendar stand still, for more than a month gave the nation and the world an exhibition of still another of its unique characteristics: the filibuster.

Inside the Senate chamber, while the clock ticked off each hour, the calendar for 25 days proclaimed with Alice-in-Wonderlandish logic that it was still only February 15.

Outside, the world's calendars showed it was later than the Senate thought, that six weeks had come and gone since the start of the interminable debate on civil rights legislation. In that time, the legislative wheels of the Senate had ground to a halt.

To the spectators who sometimes filled the galleries to watch in fascination or doze in boredom, and to the Senate employes and newspaper reporters who marked the weary passage of the hours before the passing of that weird creation known as the "legislative day of February 15," the filibuster was an anom-

aly: minority domination of the instrumentality of a government founded on the principle of majority rule.

It could only happen in the U.S. Senate: a body which prides itself on being the last remaining fortress among parliamentary governments which assiduously guards the rights of its minority legislators through the medium of free and virtually unlimited debate.

**The Senate's approach** to its elaborate rules and customs which permit the time-consuming filibuster was perhaps best enunciated in 1932, when then Democratic Floor Leader Joseph T. Robinson (Ark.) observed:

"When a senator once takes the floor, nobody but Almighty God can interrupt him—and the Lord never seems to take any notice of him."

At the very least, however, the American people take notice, often joined by the amazed peoples of other countries. It would have been impossible, for example, to ignore Sen. Strom Thurmond (D-S. C.) when he held the floor for 24 hours and 18 minutes to set a new one-man talkathon record in an unsuc-

GENE ZACK is an assistant editor of the AFL-CIO News who has covered the historic Senate filibuster.

APRIL, 1960

7

cessful effort to block passage of the Civil Rights Act of 1957.

The principle behind the Senate's zeal for safeguarding the rights of its minority members is well-rooted in parliamentary history and well-grounded in democratic ideals. In essence, it is designed to permit a dedicated minority to halt a headstrong, hot-headed majority attempting to stampede legislation.

**A single member** merely by raising his voice, can stem a majority juggernaut at least temporarily. This was the case when, in 1890, Sen. Henry W. Blair (R-N. H.) tied up the Senate's processes while he maneuvered for enough votes to put over a federal-aid-to-education bill. And Blair would have won when he finally ended his filibuster and brought the measure to a vote, had not two senators deserted his camp at the last minute.

Contrary to popular belief, the Senate is not powerless in the face of a filibuster. Just as its rules prescribe the principle of unlimited debate, so do other rules spell out the machinery to end a filibuster.

It is true that the Senate has not made it easy to invoke cloture—the state of limited debate. Even with modifications enacted in the rules last year, it takes the affirmative votes of two-thirds of the senators present and voting in order to “gag” the talkers. In practice, this means 67 senators must favor an end to the talkathon.

The fact of the matter is that the Senate can halt a filibuster whenever it seriously wants to do so. But most members—protecting their own right to take and hold the floor—are reluctant to set a precedent that might later be used against them.

The principle of safeguarding minority rights in the Senate is one thing, the distortion of this principle in the actual employment of the filibuster, as has been the case in recent years, is often quite another.

**The monumental irony** to the 1960 filibuster is this: The 18 southern Democrats who barricaded themselves behind the unique Senate rules used that chamber's guarantees of their minority rights to thwart enactment of a law which would protect the constitutionally guaranteed rights of minorities in the nation at large.

At times colorful and dramatic, at other points incredibly dull and boring, running the gamut of emotions from good-natured humor to violent bursts of anger, the 1960 filibuster—like its numerous predecessors of varying lengths and intensities—has been a parliamentary stew compounded of physical stamina, frayed tempers, shouted oratory, hoarsely whispered speeches, and time-consuming maneuvers.

The debate began innocuously enough on February 15—as the Senate's calendar pointedly reminded the watching world for 25 days—as the leaders on both sides of the aisle fulfilled a 1959 pledge that the civil rights debate would begin on that date.

It took a routine parliamentary device to start the debate rolling. Since there was no civil rights bill ready to be reported, Majority Leader Lyndon B. Johnson

(D-Tex.) announced that an innocent-appearing, routine measure to provide aid for a school district in Fort Crowder, Mo., would be open for civil rights amendments.

The move, made possible by another unique understanding in the Senate that neither speeches nor amendments need be germane to the issue, found the southern forces fully prepared, although for two days the chamber echoed to the impassioned shouts of Dixie senators that civil rights supporters were “lynching” Senate procedures in an attempt to “hell-hack” the South.

Defeated in a move to delay debate for a week, the southern forces announced they would invoke every parliamentary trick in the books to block the civil rights forces. Johnson retaliated by stretching out the sessions well into the evening hours and by recessing the Senate at the close of each session instead of following the general custom of adjournment.

This latter move was designed to rob the South of one of its major delaying tactics—the forced reading of the detailed journal of the previous day's proceedings, required at the start of each new legislative day unless, as is the custom when the Senate is proceeding under routine operating conditions, it is dispensed with by unanimous consent.

**But the anti-civil-rights forces**, quarterbacked by Sen. Richard B. Russell (D-Ga.), still had left to them an impressive arsenal of legislative weapons: the dilatory motions, the rollcall votes, lengthy quorum calls, points of order, parliamentary inquiries, appeals from rulings of the chair, the interjection of other business—and, of course, the long-continued talk.

All of these weapons were to be employed in the 1960 filibuster—euphemistically referred to by the Dixie senators as an “educational” campaign—but the lengthy speeches came first. These were tirades that, unlike earlier days in the Senate, stuck to the point.

In the past, again relying on the Senate privilege that speeches need not be germane, non-stop speakers have gone afield. Perhaps the most notable case in point was Sen. Huey (Kingfish) Long (D-La.), whose 15-hour-and-30-minute filibuster against extension of the National Industrial Recovery Act in 1935 included lengthy recipes on the distillation of southern “pot

While the Senate droned through its filibuster, the House, too, tackled civil rights legislation.

After two weeks of debate in the lower body, the measure was overwhelmingly approved by a vote of 311-109.

It provides important safeguards of minority rights to register and vote in federal, state and local elections; makes it a federal crime to obstruct or interfere by force or threats with school desegregation orders; and makes it a federal crime to flee across state lines to avoid prosecution in hate bombings.

likker," and mouth-watering descriptions of the delights of eating turnip greens and corn bread.

Not so in 1960. Aware, at the very minimum, of the need for writing a political record for diehard segregationists in their home states to read, the southern bloc beamed its speeches in the general direction of the civil rights issue—sprinkling their remarks generously with Biblical quotations, ponderous racist jokes, biting attacks on the Supreme Court's school desegregation ruling, and self-righteous criticism of northern senators for allegedly attempting to make political hay by "harassing" the South.

Seventeen days later, Johnson brought up the most spectacular—but historically the least effective—technique employed against the filibuster: the use of prolonged sessions to break the strength of the obstructionists. On February 29 he announced that the Senate would remain in "dawn-to-dawn" sessions.

These round-the-clock sessions are designed to wear down the opposition physically. But with 18 members comprising the hard core of southern resistance, the continuous-session technique—while dramatically focusing attention on the obstructionism of the South—had little hope of success.

**Since the Senate** was scheduled to be in session night and day, the southern forces promptly put members on notice that they would demand repeated quorum calls—the summoning of at least 51 senators into the chamber at any time of the day or night. The longer it might take to round up the required majority, the more time the southerners would have to rest their legs and their vocal chords and gird themselves for another speaking stint.

The southern forces were well organized. Working in teams of six, so they could take and hold the floor for hours at a time while their remaining dozen colleagues slept, the obstructionists had the more advantageous role.

It was up to the bipartisan coalition fighting for civil rights legislation to make sure that the required number of senators were on hand at all times to insure a quorum. This demanded that some 51 northern and western Democrats and Republicans must be within easy reach of the Senate chamber 24 hours a day.

Cots were brought in and set up in Senate offices and the old Supreme Court chamber. A corporal's guard of civil righters maintained a watch on the floor, to make certain that the southerners did not take advantage of delaying tactics whereby clerks would read copious amendments into the record while they rested their vocal chords. The rest of the civil rights supporters grabbed fitful naps within calling distance.

**For 125 consecutive hours**—far eclipsing the previous 85-hour record set during a 1954 debate on atomic energy—the Senate remained in continuous session except for a 15-minute recess and a Sunday suspension of activity.

During that time the hard core of 18 southern Democrats paralyzed the Senate with speeches against civil rights legislation, interrupted by 44 quorum calls,



Filibuster fans waited in lines nearly as long as the speeches to get into the Senate gallery during the marathon talk-fest.

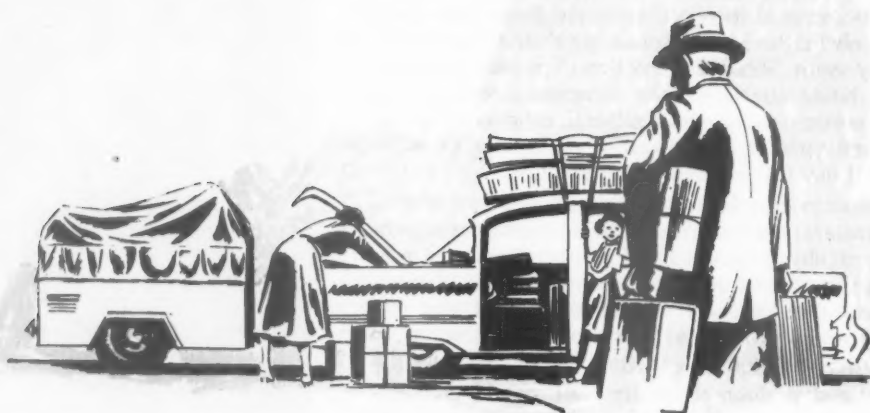
mostly in the predawn hours, bringing sleepy-eyed senators, some of them tieless and coatless, others wearing bedroom slippers, who shuffled wearily into the chamber, answered to their names, and then stumbled back to their cots.

The marathon session came to a sudden end when 31 liberal senators—23 Democrats and eight Republicans—formally filed a cloture petition. Both Johnson and Minority Leader Everett McKinley Dirksen (R-Ill.) expressed displeasure at the move. The debate, they said, should be allowed to continue for at least another week before any move was made to bring it to a close.

The doubts they expressed in advance as to the wisdom of the move and its possibility of success were well-founded. On March 10, the cloture petition came to a vote. Its supporters not only fell far short of the two-thirds vote necessary, they could not even muster a simple majority. Only 42 senators voted to shut off the debate; 53 others voted to permit the talkathon to continue.

For such is the strange character of the Senate that its members permit even their most avowed opponents to talk on and on—perhaps in the knowledge that they, themselves, may some day object to the use of cloture against them, perhaps in the knowledge that, in the end, the majority must and will vote on the civil rights issue at hand.





# 'Right-to-Work' Laws Hamper South's Industrial Growth

by Milton J. Nadworny

**Reports from the** southeastern states that lack of skilled workers is proving an important factor in slowing industrialization of these states may well be timely warning on the future expansion of this region. It indicates that a basic reorientation of economic philosophy is required to match the higher wages and healthier labor-management policies of the rapidly-growing industrial states, such as California, with which the South is competing for industrial development.

In North Carolina the state has begun a costly technical training program. William R. Henderson, administrator of the state's industrial recruiting office, said recently, "We've lost many industries because of the lack of skilled labor." However, if these workers, when trained, join the migration to other states where they can obtain higher wages and more favorable working conditions, then this effort is wasted since it does not get at the roots of the problem.

Some major industrial firms seeking new locations have passed up the southern states, while many of those which have located there are being hampered in their operations by an increasingly acute shortage of skilled labor. There is preponderant evidence that

(1) needed workers have migrated from the South to industrial areas where employment opportunities are much more attractive, and (2) replacements are not being attracted into the region by existing conditions of employment.

**For a number of years** the southeastern states have sought to induce industry to locate within their borders by maintaining a low wage economy. The basis of this philosophy has been that industries could increase their profits by manufacturing products under a low wage structure and sell at high prices in other areas of the nation where consumer purchasing power was bolstered by higher wages.

At the same time, there was an attempt to perpetuate this low wage economy through the enactment of restrictive anti-labor legislation, typified by the so-called "right-to-work" laws, whose aim is to weaken existing unions and to make it more difficult to organize effective labor organizations. The presence of strong labor unions is ordinarily equated with relatively high wages.

The important question which the southern states, individually and collectively, must now consider is whether, in fact, this economic philosophy has proved to be short-sighted, and is actually working against

MILTON J. NADWORNÝ is an associate professor of commerce and economics at the University of Vermont.



the industrial expansion and growth of the South.

If the workers of an area, state or region continually migrate to other states and areas, then employment opportunities obviously are greater in the states to which they move than in the states of their origin. Speaking of this movement, much of it from southern states, in his paper, "Migration of the Nation's Population—Its Size, Nature and Causes," Ewan Clague, of the U.S. Department of Labor, stated:

"During a single year, more than 10 million persons move. . . . The search for better employment opportunities is a major force behind this migration."

These "better employment opportunities" to most workers, especially those with skills, ordinarily mean higher wages and the right of membership in strong and responsible trade unions whose right of collective bargaining with management is not restricted by "right-to-work" laws and anti-labor community attitudes.

If, then, low wages and anti-labor legislation such as the "right-to-work" laws are encouraging workers to go to other regions of the United States to seek better employment opportunities and work conditions, does it not behoove the southern states, if only from the standpoint of self-interest, to repeal their anti-labor "right-to-work" laws? Does it not benefit them to institute a "business climate" that will induce both industry and skilled labor to settle within the borders of these states, with resultant heightened prosperity for all concerned?

**The outward flow of workers** from the southern states might well arouse the concern of all in this region who are interested in its future development. Using Census Bureau reports for a single year as an illustration, Clague underlined the importance of this problem as follows:

"Between April 1953 and April 1954, 10 million persons moved their place of residence from one county to another. Five million of these persons moved to a different state. About half of the interstate migration represented a movement from one of the four major geographic regions to another.

"The largest outflow was from the predominantly agricultural South. More than a million persons moved from the southern states to states in other regions. About 650,000 persons left states in the North Central regions for other parts of the country. In the interchange of residents, the South attracted a substantial number, but on the balance lost 400,000 persons. The West, on the other hand, gained about 275,000 persons, and the North Central states about 175,000. . . .

"It is fair to say that job-changing was the most important influence affecting this movement, particularly the shifts from one state to another."

**In seeking the reasons** for the continuing exodus of members of the labor force from the Southeast, it is pertinent to examine the disparity in the wage levels of the states of this region and states elsewhere which are enjoying rapid industrial and population

growth. The most dynamic of these is California, which led the nation in the population increase with a gain of 3,698,000 from 1950 to July 1, 1958.

The national average weekly wage of workers in manufacturing in November 1959 was \$88.98 (Employment and Earnings, United States Department of Labor, Bureau of Labor Statistics, January 1960). In California, a state where voters in November 1958 rejected the "right-to-work" law proposal by almost a million votes, the average weekly wage in manufacturing in November 1959 was \$101.63, well above the national average.

**By comparison, the average** weekly wage in manufacturing in North Carolina, a "right-to-work" state, was \$62.93. Without exception, the states of the Southeast year after year continue to remain well below the national average of weekly wages. Average weekly wages in other southeastern states which have "right-to-work" laws were: Alabama \$71.37; Georgia \$63.76; Mississippi \$60.35; South Carolina \$62.88; Tennessee \$72.32; and Virginia \$69.60.

As a matter of fact, average weekly earnings in manufacturing in these "right-to-work" states was about \$14 below the national average in 1950: by November 1959, the differential was almost \$22 per week (Employment and Earnings, June 1956, and January 1960).

"Right-to-work" advocates have been proved wrong on another count, namely, that such laws would curtail strikes. Indeed, the contrary has proved true in states which have embraced these laws. Instead of promoting industrial peace, as promised, such legislation has increased industrial strife.

The study of the effect of "right-to-work" laws in 11 states, including the Southeast, by Daniel H. Pollitt, associate professor of law at the University of North Carolina (Right to Work Law Issues: An Evidentiary Approach), shows that work stoppages in these "right-to-work" areas from 1947 through 1954 increased relative to the nation as a whole.

There are other factors which contribute to the migration of workers from one region to another. The New England states have suffered losses from these contributory factors. Nevertheless, basic causes for the great migratory movement from the Southeast appear to be centered in the philosophy of low wages and restrictive legislation which tends to perpetuate a substandard economy.

The subject is under intensive study in Vermont and other states of the New England region because of proposals to enact "right-to-work" laws there. There is little doubt that such legislation would cause a serious weakening of the New England economy.

It takes time for economic movements to crystallize and for the general public to become clearly aware of them. In this year of a national election, the continued flight of workers to regions with superior job opportunities suggests that if workers' economic "votes" can be counted, the southeastern states, and, indeed, the total group of "right-to-work" states, may well be losing an important election.

# Unsolved Problems of Past Decades Plague Our Children in '60s

*Our children and youth will not "realize their full potential for a creative life in freedom and dignity"—the theme of the 1960 White House Conference on Children and Youth—unless the nation is willing immediately to allocate a greater share of its wealth and resources to needs depicted on this page.*

## GAPS IN PROGRAMS FOR DELINQUENTS ARE WIDE

### POLICE SERVICES



1 OUT OF 2 CITIES OF 10,000 OR MORE HAVE NO SPECIAL JUVENILE POLICE OFFICER

### DETENTION SERVICES



100,000 CHILDREN HELD IN JAIL EACH YEAR

### COURT SERVICES



5 OUT OF 10 COUNTIES HAVE NO JUVENILE PROBATION SERVICES



6 OUT OF 10 JUVENILE PROBATION OFFICERS HAVE NO SOCIAL WORK TRAINING

### STATE TRAINING SCHOOLS



3 OUT OF 10 HAVE NO STAFF SOCIAL WORKERS



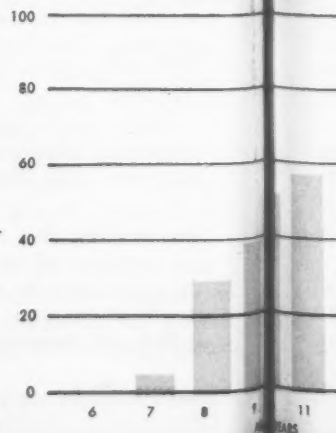
4 OUT OF 10 HAVE NO STAFF PSYCHOLOGISTS



The charts on this page are taken from the book "Children in a Changing World" published by the 1960 White House Conference on Children and Youth. The photographs at the bottom of these pages are from the conference exhibit "These Are Our Children."

## CHILDREN EMPLOYED IN AGRICULTURE ARE B

PERCENT OF THOSE EMPLOYED WHO ARE B

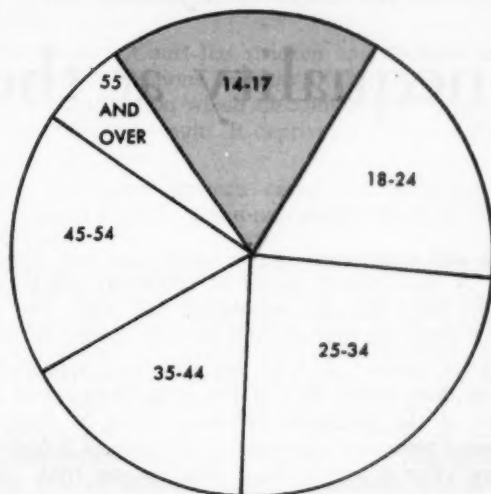


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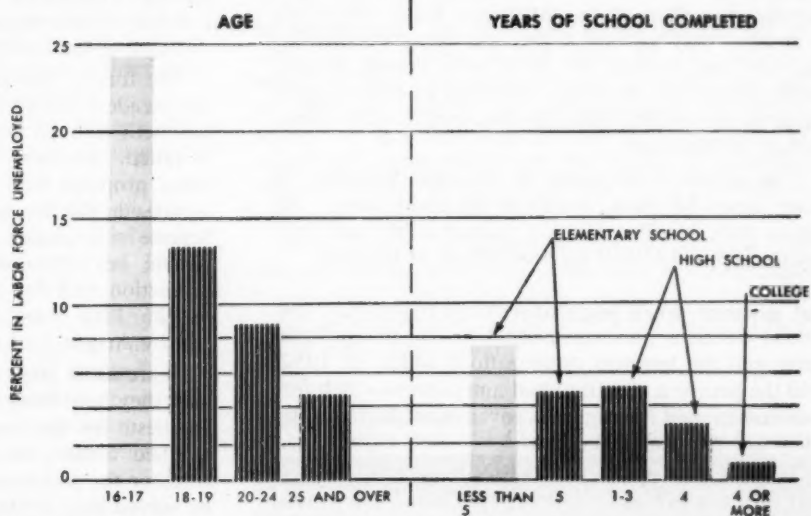


## MANY MIGRATORY WORKERS ARE CHILDREN

PERCENT DISTRIBUTION BY AGE



## UNEMPLOYMENT IS HIGHEST FOR YOUNG WORKERS AND THOSE WITH LEAST SCHOOLING



## IN AGES ARE BELOW GRADE IN SCHOOL

HOSE WHO ARE BELOW THEIR GRADE





# Democracy's Perennial Problem— Inequality at the Ballot Box

by Ted Ogar

**The old court room** never before had been jammed so. A blue ribbon crowd of spectators filled every chair, lined the time-weathered oak walls two and three deep and funneled out into the marble corridor.

They listened with an intensity that appeared to more than match that of the eight black-robed justices of the Michigan Supreme Court as opposing counsel presented arguments in the case of *Scholle vs. Hare*. For it wasn't Hare who was on trial. They were.

The date was Thursday, February 25, and the court was hearing oral arguments in one of the most publicized cases ever to come before it. Filed by August Scholle, president of the Michigan State AFL-CIO, it charges that his civil rights are being violated by the state constitution, that he is being denied equality at the ballot box. He wants the court to restore equal status at the polling place to him and to every other citizen in Michigan.

The technical defendant in the suit, Secretary of State James M. Hare, wasn't in the court room. He agrees with Scholle. He was named in the suit only because he is the chief election officer of the state.

**But present were legislators** from rigged state senatorial districts plus representatives of the political party and the business organizations which, in 1952, sold the people a constitutional amendment which forever condemned Michigan to government by minority. They are the real defendants.

They helped spawn a State Senate with districts that vary as much as 15 to 1 in population. They made it possible for a minority to hold control of the legislature's upper chamber in perpetuity. In the 1958 election, for example, 668,986 votes elected 22 Republican senators; 714,628 Democratic votes were able to elect only 12 senators.

The outcome of the suit will affect not only Michigan. Its impact will be felt in at least 40 states with similar problems of inequality at the ballot box. It is the first such challenge of legislative districting to be brought before the Michigan Supreme Court, but it is not the first suit of its kind to be tried in the country's courts.

There have been a great many cases, some of them going back into the 19th Century. Most of them have failed. But there were two notable successes: in Hawaii, in 1956, and in Minnesota, in 1958. And

there are indications that a pending Tennessee suit may produce a favorable decision.

The Hawaii and Minnesota decisions, as well as the Tennessee case, received scant attention outside those states. Why, then, the great interest in the Michigan suit? There are worse examples of malrepresentation than exist in the Michigan Legislature.

**First, the Michigan suit** has served to emphasize a shift from the political arena to the courts to secure remedies for vote inequalities. Secondly, this is the first suit to be filed by the head of a labor organization. Opponents of equal representation fear that a victory would trigger similar suits by central unions throughout the country.

The former Michigan CIO Council, which Scholle also headed, sought to bring about legislative reapportionment through constitutional amendment in 1952. It failed. Business and rural groups countered the labor proposal with another amendment freezing inequities in the Senate for all time. They won. The Scholle suit challenges the constitutionality of this action; he argues that the result denies him equal protection and due process of the law as guaranteed by the 14th Amendment to the U.S. Constitution and by Article 2 of the Michigan constitution.

There are a great many legal ramifications involved and they are being closely studied by other states. Requests for the many voluminous briefs filed have reached a high mark. The court must decide first whether the problem is a purely political one that can be solved only at the ballot box, or whether it is one that is subject to judicial remedy. It must also rule whether the case involves a state or federal question, or both. It has been asked to judge the status of a constitutional amendment which, in effect, invalidates an original section of the constitution. It must decide what remedies are proper.

**The Michigan constitution**, based on the Northwest Ordinance of 1787, called for representation in both the House and Senate on a population basis, with reapportionment of districts to be made after each decennial U.S. census. In 1925, the legislature established 32 senatorial districts roughly based on the 1920 census. Then it ignored the situation for 27 years.

When pressure for reapportionment mounted in 1952—districts by then varied 8 to 1 in size—opponents of equal representation developed what they

TED OGAR is editor of the Michigan AFL-CIO News and an expert on Michigan politics.



called a "balanced legislature" plan. Two additional senatorial districts were carved out of the large urban areas and the 34 boundaries then were frozen. As to House districts, the plan purported to be on a population basis but permits a maximum 3 to 1 ratio in size. The "balanced" plan, its successful backers asserted, called for a House based on population and a Senate based on area.

The "area" argument was closely examined by the Michigan Supreme Court. Theodore Sachs, attorney for Scholle, argued that there was no rational plan followed in establishing boundaries; some districts encompassed a single county, some were groups of counties, others were part of a county. "These districts," Sachs said, "do not represent people, nor acreage, nor regional areas, nor political units within the state."

**Defending the suit** are State Attorney-General Paul L. Adams and Edmund Shepherd, former state solicitor general, hired by Republican senators from over-represented districts which are the target of the suit.

The Republicans resurrected 1952 arguments that the Senate should represent "interests"—such as banking, manufacturing, tourist trade, etc.—in addition to area in order to provide real "balance."

"Nonsense," said Sachs. "There are more industries and occupational classifications in the yellow pages of the Detroit telephone directory than there are people in the Keweenaw peninsula district."

Shepherd was asked by the court to identify the criterion for senatorial districts. He finally answered that there was none.

Adams was asked the same question. His answer: "A system of districts the people approved of over many, many years was perpetuated (by the 1952 amendment)."

Adams pointed out that he was not defending the "rightness" of the amendment but argued that the people have an "untrammelled right to be wrong." He insisted that the 1952 amendment invalidated the equal protection section of the Michigan constitution. He said that such political questions have remedies at the ballot box, not in the courts.

**The federal court decision** in the Hawaii reapportionment case expounded a different view. The suit brought there in 1956 also charged violation of the 14th Amendment through disproportionate representation in the legislature. The Hawaiian situation, incidentally, was not as bad as Michigan's; the most extreme population disproportion cited was 6.84 to 1. A three-judge court ruled that this situation violated the 14th Amendment.

"The time has come," the court said, "and the Supreme Court has marked the way, when serious consideration should be given to a reversal of the traditional reluctance of judicial intervention in legislative reapportionment."

"The whole thrust of today's legal climate is to end unconstitutional discrimination. It is ludicrous to preclude judicial relief when a mainspring of legislative government is impaired. Legislators have no immu-

nity from the Constitution. The legislatures of our land should be made as responsive to the Constitution of the United States as are the citizens who elect the legislators.

"The Supreme Court has stricken any attempts to discriminate in elections because of race, creed or color. A classification which discriminates geographically has the same result. It deprives a citizen of his constitutional rights.

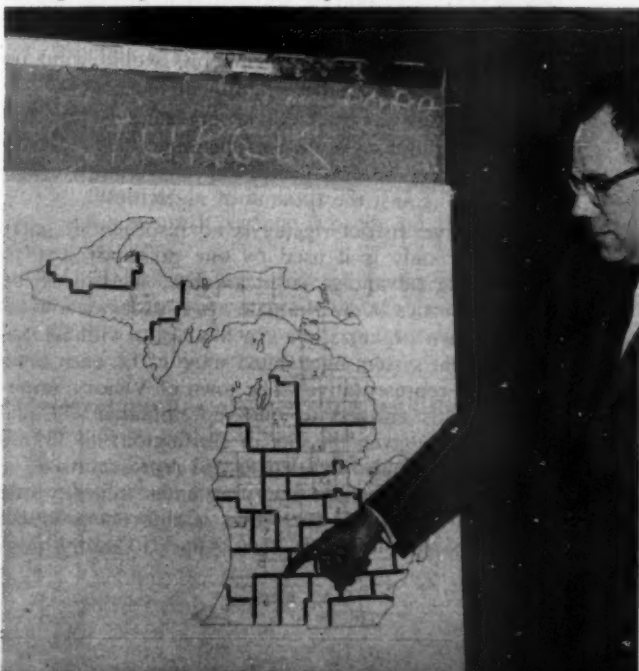
"Any distinction between racial and geographic discrimination is artificial and unrealistic. Both should be abolished."

There are numerous precedents and opinions sustaining the Hawaii action. In 1948, U.S. Supreme Court Justice William O. Douglas said: "None would deny that a state law giving some citizens twice the vote of other citizens in either the primary or general election would lack the equality which the 14th Amendment guarantees." Two years later, in another reapportionment case, he asserted: "The creation by law of favored groups of citizens and the grant to them of preferred political rights is the worst of all discriminations under a democratic system of government."

**In Minnesota**, the legislative apportionment act of 1913 was attacked as invalid under the 14th Amendment. A three-judge federal court sustained the suit in 1958 and retained jurisdiction pending an opportunity for the incoming Minnesota Legislature to enact valid reapportionment. The legislature promptly did so—at least to the satisfaction of the plaintiffs—who then dismissed the suit.

In Tennessee, a federal district judge ruled last October that the court had jurisdiction in a case challenging that state's legislative districting. A three-judge court has heard arguments in the case and now has it under advisement.

Population inequities in Michigan State Senate districts are explained by State AFL-CIO Representative Tom Downes.



Courts also assumed jurisdiction over congressional elections in four states in 1931. Finding districting unconstitutional, they ordered at-large elections in 1932 of the entire congressional delegations from Kentucky, Minnesota, Missouri and Virginia.

**It appears that there is precedent** for judicial relief in legislative apportionment cases, for holding that unequal districts are unconstitutional under the 14th Amendment and that although people may "have a right to be wrong," they have no right to be unconstitutional in laws they approve.

The problems posed in the Michigan case are typical of those that have plagued the nation. They all stem from either constitutionally built-in misrepresentation, legislative action—or inaction—contrary to constitutional mandates. Partisanship is not always a factor. Both Republicans and Democrats are guilty. It is not always a rural vs. urban fight. Big city groups have fought to continue under-representation for their own big cities.

The control that Republicans hold in the Michigan Legislature enables them to rake in the chips in congressional elections. A rigged legislature is able to rig congressional districts. Michigan's 12th district in the Upper Peninsula has a population of 178,251. The 16th, in highly industrialized Wayne County, has 525,334 inhabitants.

In 1958, Michigan sent 11 Republicans and seven Democrats to the House of Representatives. The 11 Republicans polled a total of 1,054,854 votes; the seven Democrats received a total of 1,193,696.

**The political cards are stacked** in still another way. There is a strong campaign in Michigan for the holding of a constitutional convention. The Michigan State AFL-CIO is opposed to the calling of such a convention because it would be rigged, too. The state constitution provides for election of three delegates from each senatorial district. Assuming that the political alignments remain fairly stable—and this is a very safe assumption—Republicans would elect 66 convention delegates representing less than half the population while Democrats would wind up with 36 representing the majority of the people.

Republicans say such an arrangement is fair and in the best traditions of democratic government. There must be, they assert, protection of "minority constituencies against the tyranny of majorities"!

Legislative district rigging is no respecter of party lines. Not only is it used by one political party to gain undue advantage over another, it is used by majority parties to discriminate against segments within their own organization. In Vermont, with an apportionment system unchanged since 1793, each town elects one representative. The town of Victory, population 47, is entitled to one representative. "Equal treatment" is given the city of Burlington; its 33,000 inhabitants are also entitled to one representative.

A recitation of states operating under minority rule would be a long and sorry one. California produces another horrible example. Los Angeles County, popu-

lation 4,151,687, elects one state senator; so does the district consisting of Inyo, Mono and Alpine Counties, combined population: 14,014.

In Kansas, one-third of the people elect a majority of state senators. In Maryland, it takes only 16 percent to win a majority. Rhode Island can swing it with only 14 percent. In Florida, 33 percent of the people get 75 percent of the senate representation.

Defenders of such inequities invariably point to the Congress and say that they are merely duplicating the system of "checks and balances" exemplified by a House elected (theoretically) on population and a Senate elected (absolutely) on the basis of area.

The federal system of representation emerged as a compromise to secure unity of 13 sovereign states. It was a price that was exacted for federation. The inequities it established then in the Senate were miniscule compared to the disparities existent today.

And there is no valid parallel between Congress and a state legislature—Nebraska's unicameral legislature excepted. Counties did not combine to form a state as states combined to form a nation. A county is a creature of the state, formed to expedite and systematize state government. Its boundaries can be changed or abolished. Counties never had any sovereignty to barter for arbitrary senate representation.

**Justice Douglas spoke out** sharply on this question on a 1943 opinion. "The fact that the Constitution itself sanctions inequalities in some phases of our political system," he said, "does not justify us in allowing a state to create additional ones. The theme of the Constitution is equality among citizens in the exercise of their political rights."

A decision in the Michigan suit is expected about the middle of April. If it is favorable, Scholle asks that the Supreme Court provide the legislature an opportunity to reapportion senatorial districts on a population basis as originally provided in the state constitution. Should the legislature fail to act, the court is requested to order this fall's state senatorial elections to be held on a statewide, at-large basis. There are legal precedents for all these actions.

Whatever the decision of the Michigan court will be, it is almost certain to be appealed to the U.S. Supreme Court.

**But one victory has** already been won. And that is in public awareness of the problem. Never before has there been so much said and so much printed about legislative apportionment in Michigan. Business, professional and civic groups have all jumped into the argument. AFL-CIO unions have focused upon it; it's a topic at union meetings, it's featured in the labor press. A series of 32 weekend institutes is currently being conducted by Michigan unions in all parts of the state to explain the reapportionment situation and its bearing on the state's problems.

Michigan workers are not the judges in the case, but they will all serve on the jury come November's state senatorial elections.



At income tax time citizens seek help from IRS aides on the complexities of the tax law.

# It's Income Tax Time Again

## And the Worker Carries the Load

**By the time April 15** comes and goes, over 60 million Americans will have filed federal income tax returns. Did each pay his fair share?

The facts show that the income tax system based on the principle of ability-to-pay is being undermined by the wealthier groups' ability-to-avoid.

While the wage-earner pays his fair share through the efficient device of paycheck deductions, the high-income groups practice the fine art of tax avoidance through loopholes and other benefits won from Congress.

The result is that the federal tax burden increasingly is shifted to the low and moderate-income groups. These same groups already carry a disproportionate share of state and local sales and property taxes.

**An idea of how the tax system** operates may be gained by looking at a breakdown of tax returns for the year 1957.

Of a total 59.4 million returns filed, over 22 million came from persons making less than \$3,000 and another 27 million from the \$3,000 to \$7,000 income range. The income of these 49 million taxpayers is almost entirely from the single source of wages or salaries. Their returns in effect verified the taxes withheld from their paychecks during the previous year.

There were 6.6 million returns in the \$7,000 to \$10,000 groups. The remaining returns totaled 3.5 million and came from the \$10,000 and over classes.

Of this group, 3 million were in the \$10,000 to \$25,000 class and 366,000 in the \$25,000 to \$50,000 class. The remaining 125,000 returns came from higher-income classes ranging up to the 223 taxpayers who reported an adjusted gross income of \$1 million and over for 1957.

The \$34.4 billion in federal income tax revenue as produced by the major income groups breaks down this way: \$1.8 billion from the under-\$3,000 group; \$12 billion from the \$3,000 to \$7,000 group; \$6.7 billion from the \$7,000 to \$10,000 group and \$13.9 billion from the over-\$10,000 group.

The tax returns for 1957 showed that 38.1 million taxpayers with adjusted gross incomes under \$5,000 paid 20.8 percent of the total federal tax load.

The above deals with where the tax returns come from and how much revenue is produced. How about rate of taxation?

The steeply-graduated federal income tax ranges from 20 percent on workers with taxable income below \$3,000 to a maximum of 87 percent on a taxable income of \$1 million and over.

**This graduated scale** looks fair until the question is asked: what rate is actually paid?

Treasury Dept. figures on 1956 income tax returns show that, where the tax schedule requires a rate of 20 percent on the wage-earner making less than \$3,000, this taxpayer's joint return showed he actually



paid 19.9 percent. In other words, his tax rate was 20 cents on each taxable income dollar and he paid almost exactly 20 cents.

The worker in the \$3,000 to \$5,000 class had a tax rate of 20.4 percent; he paid 19.9 percent. The worker in \$5,000 to \$7,000 class had a tax rate of 21.2 percent; he paid 20 percent.

**As income rose**, according to the government figures, the gap widened between the tax called for and the tax paid.

The tax rate for the \$15,000 to \$20,000 class was 30.6 percent; they paid 23 percent. The avoided tax thus was 7.6 cents on each taxable dollar.

The \$25,000 to \$50,000 income class had a tax rate of 43.5 percent; the tax actually paid was 30.5 percent, a gap of 13 percent.

The tax rate for those in the \$200,000 to \$500,000 class was 80.1 percent; they paid 58.3 percent. This group thus kept 22 cents of each taxable dollar which had been earmarked for the public treasury.

If this gap, which widens with income, seems unfair, it is completely legal. The 1954 tax law, aside from leaving untouched such gaping loopholes as the oil depletion allowance, created special tax benefits for such unearned income as stock dividends and capital gains.

The new law exempted from taxation the first \$50

of dividend income, doubling it for a married couple, and individuals were allowed a tax credit of 4 percent of all dividends received.

The tax code also gives special status for capital gains income from the profitable sale of corporate stock, real estate or other capital assets. If these assets have been held six months or longer, however, only one-half of the profit need be counted as taxable income. For the higher income brackets, an alternative method of figuring the tax sets a 50 percent ceiling on the tax rate for capital gains. Since this 50 percent ceiling applies to just one-half of the capital gains income, the effective rate of taxation thus is a maximum of 25 percent.

With this opening, the higher-income interest groups have been driving for a broader definition of "capital asset." Already covered is income received from sales of coal royalties, timber, livestock and patents.

**In addition to the gap** between the tax schedule and tax paid, there are other statistics relevant.

Federal Reserve Board figures on 1956 income show that wage and salary income make up about 95 percent of all income of skilled workers, 96 percent for the semi-skilled, 91 percent for unskilled and service workers, 92 percent for clerical and sales workers.

## Care and Feeding of Profits By America's Drug Makers

*by Dave Perlman*

**The businessmen who head** the \$3 billion-a-year prescription drug industry have parlayed the talents of the scientist and the salesman into a fantastically profitable combination.

Wall Street has long known what Sen. Estes Kefauver's Antitrust and Monopoly subcommittee has brought dramatically to public attention—that drug company stocks have paced the market for a decade, that the industry's profit rate is the highest in the manufacturing field and has proved to be recession-proof, and that the king-sized salaries paid to top drug company officials are often dwarfed by multimillion dollar windfalls from stock option grants.

As a by-product of this search for profits, hundreds of thousands of persons have been restored to physical and mental health. While medical research

is international and many of the so-called "wonder drugs" have come to us from abroad, the American pharmaceutical industry has done its share of trail-blazing.

But there have been other and less happy by-products of the drug industry's relentless pursuit of profits.

New drugs have been marketed with fanfare and flourishes before being thoroughly tested. Questionable journals have been set up to provide an outlet for ghost-written articles reporting on dubious clinical tests. Patents have been used to choke off competition—and keep prices high.

**Serious critics** of the drug industry, including leading physicians as well as Senate investigators, are most concerned however about the increasing dominance of the advertising and sales promotion departments in the pharmaceutical hierarchy. It is part and parcel of the problem of excessive prices since one-



DAVE PERLMAN is an assistant editor of the AFL-CIO News who covered the Senate hearings on the drug industry.



Since the new tax law features benefits for unearned income, its effect if not its intent may be revealed by an FRB study which showed that in early 1957 only 11 percent of American families (spending units) owned any stock at all in publicly-held corporations.

The FRB study also made clear that, while average stock holdings of workers is very small, the large holdings are concentrated in the high-income brackets. Of families in the \$10,000 and over income group, 19 percent had stock holdings worth \$10,000 or more.

**The Treasury Dept. figures** on 1956 income showed that only 3 percent of taxpayers with income under \$3,000 claimed the dividend exclusion benefit, saving \$10 in taxes; only 2 percent claimed credit for dividend income, averaging a tax credit of \$17. However, 83 percent in the \$50,000 to \$100,000 bracket claimed credit for dividend income, averaging \$632 in tax savings. In the millionaires' class, some 90 percent claimed dividend exemption and credits, saving an average \$33,000.

The AFL-CIO has estimated that loopholes and special benefits have saved for the higher-income groups—or lost to the Treasury for 1956—over \$350 million from dividend exclusion and credits; \$2.6 billion from capital gains; over \$1 billion from depletion allowances; some \$1-2 billion from untaxed ex-

pense accounts; over \$4 billion from the split-income provision favoring high-income couples. In addition, the Treasury estimated that \$1.5 billion in dividends went unreported on 1956 returns and over \$3 billion in interest payments also was unreported.

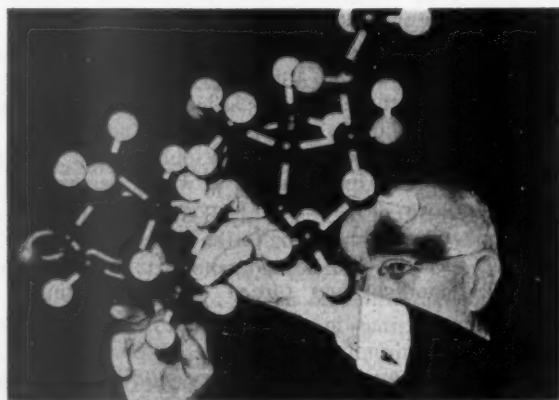
In a paper presented before the House Ways and Means Committee, the AFL-CIO called for "nothing less than a complete overhauling of the tax structure."

"Because of the numerous escape provisions," the AFL-CIO said, "the income tax system is not carrying out the first principle of taxation, namely, that of levying an assessment according to the principle of ability to pay."

To produce "a healthy, vital income tax structure" to meet the needs of a growing population and to strengthen the purchasing power of low and moderate-income families, the AFL-CIO proposed:

- repeal of the 1954 dividend tax exclusion and credit.
- a withholding system for unearned income.
- radical revision of the capital gains provisions.
- repeal of the depletion allowance.
- alteration of the split-income provision.
- tighter tax enforcement on business expenses.

The aim, the AFL-CIO said, is to achieve "a genuinely progressive income tax structure."



Molecular structure of cortisone was explained to Kefauver Committee by Dr. Edward Kendall, one of drug's developers.

fourth the wholesale cost of drugs is accounted for by advertising and selling expenses.

Drug companies may not compete on prices, but they do compete fiercely for the attention of the nation's 150,000 practicing physicians whose prescriptions represent the industry's purchase orders.

Some of the money goes into traditional forms of advertising—a single company might send out as many as 10 million pieces of mail to launch a single new product. "You either get a new drug off the ground in the first few months or you don't get it off at all," the marketing director of one drug company told the Wall Street Journal.

The waste baskets in most doctors' offices are filled each morning with gimmicks, ranging from ball point pens to thermometers and phonograph records.

One company, which would be much offended at the word "payola," plays host to physicians at golf tournaments, duck hunts, clambakes and barbecues. Another firm picks up the tab for guest speakers at medical society meetings and pays the hotel bills and expenses of doctors and medical students who accept invitations to tour its plants. At medical conventions, drug firms entertain lavishly with cocktail parties and steak dinners.

Backbone of the drug industry's sales pitch, however, is its army of 15,000 "detail men." These are the industry's \$10,000-a-year, door-to-door super-salesmen. Experts in the "soft sell," their job is to "inform" physicians of their firm's newest products. If the physician prescribes their company's brand of drug for a patient, they have earned their pay.

Somewhat forgotten in this intense promotion pitch are the cash customers, the patients who pay the bill for the prescription they carry to their neighborhood pharmacist.

**As Sen. Kefauver phrased it** at the start of the Senate hearings: "The prescription drug industry is unusual in that he who buys does not order and he who orders does not buy. The consumer is completely captive." For example, look at two drugs—aspirin and prednisone.

Aspirin, the familiar standby of the medicine chest, is not of course a prescription drug. You can shop around and pay as little as 18 cents for a bottle of 100 tablets put out by a drug store chain or you can pay as much as 25 cents for 12 tablets carrying a well-advertised brand name.

Prednisone is the scientific name for a derivative of cortisone. It is frequently prescribed to relieve the crippling pain of arthritis. It is made by several leading pharmaceutical companies, each of which markets it under its own brand name. There's no difference between Meticorten, the Schering Corp.'s brand, Merck Co.'s Deltra or Upjohn's Deltasone. They are identical products and they sell for identical prices—\$17.90 per 100 tablets wholesale, to which the druggist adds his customary 40 percent markup.

The same product is manufactured by several smaller companies which profitably sell them for as low as \$2.35 per 100 tablets. But these firms, without retail distribution channels and without means of persuading doctors to prescribe their product, have largely been frozen out of the retail field and stay in business only by selling to institutions and hospitals which purchase through competitive bids.

To complete the analogy, it is as if aspirin were dispensed only by prescription and your doctor prescribed Bayer's aspirin. That would be the only brand your druggist could lawfully give you, even if he had in stock a cheaper brand which he knew met the same government drug standards.

**The experience of the federal government** as a purchaser of drugs hints at the dramatic possibilities which exist for lowering prescription prices under conditions where the consumer isn't a captive of the physician's prescription—and where the physician isn't subjected to the tremendous duplication and confusion which exists among the hundreds of brand name drugs.

**This deluge of free samples and data drug manufacturers sent a Two Rivers, Minn., doctor really impressed Senate probers.**



In March 1958, the Veterans Administration purchased prednisone from both the Schering and the Merck companies. The price was set by negotiations, not open competitive bidding. On the surface, it appeared a bargain. The VA was charged \$136 per thousand tablets as compared with the \$170 price charged to retail druggists for the same quantity.

A month later, the VA switched to competitive bids and found it only had to pay \$38.50 for the same product.

By the following year, the Schering Corp., while still maintaining the \$170 price to druggists, had dropped its asking price to the government to less than \$25—and even then lost the bid to a company which quoted a still lower price.

**The answer of one drug company president** to the question of why his company charged the same price as a competitor, even though their costs were different, was that it would be "silly" to do otherwise. If his firm lowered the price, his competitor would do likewise "and we would have gained nothing."

He admitted that his company—Upjohn—exported drugs to Great Britain at less than half the price the firm charged American druggists. The reason, he explained, was that the British government "in effect" fixed the price to be paid for the drug. He assured the subcommittee there were other countries, with no price controls, where his firm charged even higher prices than they did in the domestic market.

Another industry spokesman—the president of the Schering Corp.—had an ingenious solution to complaints of people who couldn't afford the high prices of the drugs their doctors prescribed.

The prices, he said, are really "reasonable." The real problem is that these people have an "inadequate income." He thought that perhaps a "citizens' advisory council" could be set up to look into the problem of inadequate incomes and "I would be ready to help in any way if some such step were taken."

If money was to be made in the cortisone field, the pickings turned out to be even more lush when the Kefauver spotlight was turned on the tranquilizer products.

**For most of American industry, 1958 was a depression year.** But the net profits—after taxes—of the three companies which dominate the tranquilizer market ranged that year from 35 to 44 percent of net worth. As a tribute to his business leadership, the \$100,000-a-year president of the Carter Co. was entitled to cash in stock options worth, at recent prices, \$2.7 million.

Mike Gorman, director of the National Committee Against Mental Health, exploded at the Kefauver hearings with this bitter denunciation: "With a full realization of the seriousness of this charge, I accuse the pharmaceutical industry of America of contributing to the return of thousands of mental patients to mental hospitals because of the high price of the tranquilizing drugs."

Others, including conservative medical leaders, have

called on the drug industry to find a cure for its own greed. An official of the American Medical Association charged as far back as 1957:

"Within recent years the drug industry has discovered that the techniques used so successfully in the advertising of soaps and toothpaste, automobiles and whiskey could be used successfully to advertise drugs to doctors."

**A dramatic highlight** of the Kefauver hearings was the testimony of two former medical directors of a leading drug company. Each had quit in protest against marketing tactics and claims for drugs which violated ethical standards.

One of them, Dr. Haskell Weinstein, now director of the Chest Hospital at the City of Hope Medical Center, pointed out a major weakness in the Food and Drug law. He said: "The Food and Drug Administration does not attempt to verify the claims made for any particular drug providing that . . . broad tolerance and safety limits have been established. . . ."

"A number of drugs have been put on the market with efficacy claims based on extremely meager and unobjective observations by people not truly qualified to make such observations. Also there is absolutely nothing in the law to prevent the manufacturer from completely ignoring unfavorable reports."

"One company in its advertising for one of its products blithely stated that there have been over 200 reports in the (medical) literature about this particular drug. The company neglected to say that 60 percent were either not entirely favorable or not pertinent."

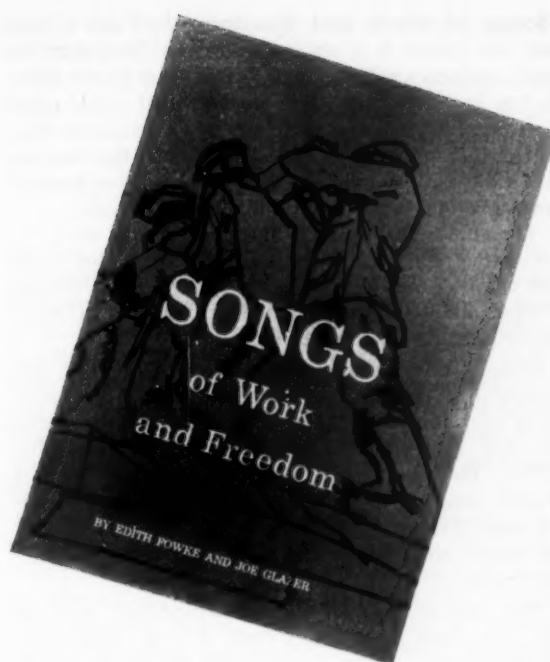
"The Food and Drug Administration does not determine the qualifications or objectivity of the individuals who provide the data on which new drug applications are based."

**The senator from Tennessee**, who launched the drug probe as part of a continuing investigation into administered pricing in American industry, admits frankly that he doesn't have any quick and simple solution to the problems uncovered by the probe.

He sees a need for tighter standards and enforcement—by the Justice Dept. in anti-trust violations, by the Food and Drug Administration in better safeguarding the public against inadequately-tested drugs, and by the Federal Trade Commission in curbing the Madison Avenue excesses in drug advertising.

He would like to see a completely objective procedure set up for clinical tests of new drugs, with trained observers under no obligation to the companies which manufacture the drugs. The monopoly given to the holder of a patent, Sen. Kefauver emphasizes, "does not give him the right to fix his licensee's prices or otherwise restrict trade in violation of the antitrust laws."

Drug company advertising, the senator believes, should be required to include the generic name of the drug as well as its trademarked brand name. This, he thinks, might encourage physicians to prescribe by generic name, and allow the pharmacist to fill a prescription with a lower-priced drug if available.



## The Labor Song: A Heritage Of What's Been

**The modern labor movement**, representing a work force that is becoming more and more urbanized and sophisticated, is not a singing labor movement. It is a vastly different labor movement than the "sing and fight" groups of the earlier days, using new methods and new techniques—films, television, radio, posters, magazines to tell its story and advance its program.

Despite the effectiveness of these new methods and techniques, there is a sense of loss among trade unionists. For the lilt and swing of a singing labor movement is a characteristic that cannot easily be replaced or duplicated.

What makes a labor movement sing? A bitter strike, a depression, the exploitation of a group of workers. All these and the fervor inherent in a period of dynamic change.

There are still strikes—bitter ones—there are recessions and there are still oppressed groups. But none of these circumstances since the end of World War II has produced a really outstanding labor song of lasting impact—the type of song contained in a new, authoritative anthology of labor and work songs.



**"Songs of Work and Freedom"** by Edith Fowke and Joe Glazer is a singing history, a "testament to man's enduring will to make this world a better place to live in." Its 208 pages contain 100 songs complete with documented notes on how each song originated, the conditions that inspired it and the changes that took place in some of them as they were handed down over the years from balladier to balladier.

The authors say in their introduction that the book has two aims: "to provide a good collection of songs that can be sung by trade unions and other interested groups, and to show how these songs reflect mankind's struggle for a better life."

Over a third of the collection evolved from the American trade union movement; a handful have survived from the 19th Century. Three labor song periods are represented—the early songs before the 1900s, the Wobbly (Industrial Workers of the World) songs from the 1900s to 1920 and the modern songs written mostly in the Thirties. The why of the songs—the strikes, depressions and oppressions—are traced.

The authors note, "Peaceful, prosperous times on the labor front rarely bring forth a song worth singing or saving." They quote John Steinbeck's comment that "the greatest and most enduring songs are wrung from unhappy people—the spirituals of the slaves which say in effect, 'It is hopeless here, maybe in heaven it will be better.'"

Is this the key then; that the modern American worker is not basically unhappy or oppressed, that his lot is not a hopeless one?

Certainly the climate of America since the end of the war, or today, is not one that has fostered rousing union songs despite the increasing strength

and acceptance of unions. And the continuing urbanization has contributed to the drought of new ballads, for many of them came from the mines and the textile mills lodged in isolated communities removed from the mainstream of American progress.

Miss Fowkes and Glazer—the former a folk loris of wide renown, the latter a union folk singer and education director of the United Rubber Workers—comment that the millenium has not yet arrived and that as long as the low-paid, the unorganized and the exploited are with us, as long as the threat of unemployment and war remains, men will continue "to struggle for a better world" and they "will need songs to encourage them in that struggle."

**Songs—labor songs, folk songs,** songs of protest—can be important elements in the continuing struggle to make a better world. But they will have to come out of a vastly different climate than exists today and out of a context reflecting the economic and sociological environment of the second half of the 20th Century.

"Songs of Work and Freedom" is a volume of what's been. It is a history of another period, a vitally important period, but nevertheless one that is past. The songs of those years recall an era of struggle and the raw material of a great tradition.

If this excellent volume proves anything, it is that labor must turn its face to the future, to new conditions and new problems while absorbing the heritage of its past. S. M.

*"Songs of Work and Freedom"* by Edith Fowke and Joe Glazer. Labor Education Division, Roosevelt University, Chicago, Ill. 208 pages hard cover \$5; soft cover \$2.

## Reds in Politics: A Case History

by Hyman Bookbinder

For almost 50 years David Saposs, a keen observer of the social and political scene, has devoted his great talents to a searching study of the Communist movement, both here and abroad. His "Communism in American Politics" is eloquent testimony to the expertness he has achieved in this vital area.

It is good for the cause of democracy that Dave Saposs has not permitted his "retirement" to interfere with his prolific writings in the labor and political

HYMAN BOOKBINDER is a legislative representative of the AFL-CIO.

field. This latest work comes soon after an equally useful work, "Communism in American Unions."

Saposs succeeds in doing what he sets out to do—"to re-alert the American people toward the menace of communism . . . to help some readers understand why and how a Communist minority could become subversively powerful in our political life." But this is no effort, a la McCarthy, to scare the American people through exaggerated exhortations.

Although there are some brief treatments of early Communist efforts in California, Washington, and Minnesota, the book's principal interest is New York's American Labor Party and its national counterpart, the Wallace Progressive movement.

It is at once both frightening and comforting to this reviewer to have recalled in scholarly detail the story of these related movements; frightening because of the fact that 10 and 15 years ago—despite the Hitler-Stalin pact and the forceful acquisition of "satellites"—hundreds of thousands of Americans could still be



taken in by Communist propaganda and trickery; comforting because enough sanity prevailed among important groups to expose this propaganda and trickery, and to destroy the heart of the American Communist movement.

Whenever Communists in America made any headway politically, whether overtly or covertly, they did it by seeking to fill a vacuum which others could not or would not fill. There is of course nothing unusual about this; it is true throughout the world wherever there are great unsolved social problems and no articulate, progressive forces around to offer solutions. Thus, as Henry David has written:

"There is no doubt that the Progressive Party born in Philadelphia in the summer of 1948 was both conceived and delivered by the Communists, but it is also clear that Henry Wallace's demand for the abandonment of traditional party affiliation made sense to many who were neither Communists nor fellow travelers."

**The political picture** for labor and liberals was quite muddled. The Republican Party of 1948 didn't appeal to many of them—neither the Taft nor the Dewey variety. There was talk of getting General Eisenhower to run as a Democrat. And, of course, Harry Truman couldn't possibly win!

It was quite easy, in such a situation, for the American Communists to move in and to implement the new international line which the Comintern was touting, this time through the mouth of French leader Jacques Duclos. No longer was the line to be national unity and collaboration with the old parties—a policy made necessary by the wartime alliance of the Soviet Union and the western democracies. The United States was the chief obstacle to Russia's post-war plans for expansionism. Dissension and even chaos were needed.

The promotion of Soviet foreign policy in America could best be achieved through a new party, ostensibly non-Communist. New York's American Labor Party seemed to be an ideal vehicle. And the Progressive Citizens of America on the national scene provided the natural base for operations. Henry Wallace was the obvious rallying point.

**Communist Chief William Foster** described the role of the Communist Party clearly: "We must, therefore, make the question of building the new party our major task and leave no stone unturned for its realization."

The Wallace campaign attracted many people who should have known better. The hard-core Communist unions joined the Progressive campaign, but both federations of labor repudiated it. David Dubinsky quipped: "... by now the common people of America have learned that Henry Wallace is confusing the common man with the Cominform."

Dwight MacDonald summarized liberal reaction:

"The reason for the liberal defection from the man they considered their national leader a short year ago, is, of course, Wallace's pro-Russian stand in foreign

policy, and his involvement with the Communists in domestic politics."

Instead of the predicted five to eight million votes, Wallace got slightly over a million, half of it on the ALP ticket in New York. Harry Truman made it, despite Wallace and the Dixiecrats. The good sense of the American people prevailed, after all.

**In the years since 1948**, the Progressive Party and the American Labor Party have disappeared. How much of the Communist Party remains is hard to say. Certainly, the days of filling Madison Square Garden on one day's notice, or large editions of the *Daily Worker*, are things of the past. American communism's slavish adherence to the needs of the Soviet Union is too well known throughout America to justify fears of any real resurgence of Communist strength.

Yet it would be a serious mistake to assume that there is no problem at all here in America. The Soviet Union may not currently hope to achieve large mass movements to do its bidding, but it can still lull us into dangerous neglect of our defenses. It can still take advantage of our preoccupation with "inflation" and "balanced budgets." And there are still enough fuzzy-minded, well-intentioned people around who never do learn, even from such good books as this one by David Saposs.

The Communists of America—just like those in India or Algeria or Cuba—will exploit every legitimate grievance of people striving for economic justice, for social justice, for political freedom. Only as we go about solving the problems of our people—problems of discrimination, of education, of depressed communities, of housing, of health—only then can we feel secure about preventing Communist subversion.

**As we work on these problems**, of course, the reactionaries will attack us as being subversive, tools of the Communists, and the like. While being alert to the danger and the short-sightedness of "united fronts" with Communists and fellow travelers, we must not let them determine what our program should be. Health benefits for the aged is right, even if the Communists say so too. Protection of civil rights is crucial, even if the Communists act like they believe it too.

Labor and liberals do not need full agreement on every subject in the world to be able to work together for the common good. But there can be no unity for us with those who seem to be on the same side of a given issue but whose basic motivation is the abuse of that unity for the purpose of furthering the foreign policy needs of a brutal Soviet dictatorship.

**Communism in American Politics** is a welcome reminder that American Communists, like all Communists, have always had this single goal—blind, uncritical support of the Soviet Union.

*Communism in America Politics* by David Saposs, Public Affairs Press, 255 pages, \$5.00.

# The Realities of the World Crisis

Continued from Page 3

opposition or by world public opinion, dictatorships can indulge more freely in adventures on the world scene.

America needs for its defense a military program decided in the light of world realities and not cut to fit Nineteenth Century ideas of the budget.

We need a long-range foreign economic aid program geared realistically to the requirements of the nations striving to raise their peoples from the morass of poverty, hunger and disease.

In is well to recall these facts at this critical moment in world history. Of course, we are in favor of negotiations, that time-honored weapon of diplomacy. But, as a leading American statesman has said, "The essential thing is what you confer about, not whether to confer."

**We are of course** in favor of negotiations seeking disarmament. American trade unions have always been for genuine disarmament. Disarmament would be one of the surest guarantees for lasting peace. The enormous sums required for modern weapons could be released for improvement of social conditions in our own country and to increase aid for similar purposes in the lesser-developed areas of the world. That is why we welcome international negotiations between the major powers to seek reduction of all causes of conflict.

Now that the major powers possess weapons of destruction undreamed of a few years ago, such negotiations are of vital importance. Armaments themselves are the result of tension and the cause of tension. We all want peace, and satisfactory progress toward disarmament is a necessary step on the road to peace.

Appeasement, however, does not lead to peace.

The Munich conference resulted in agreement, but it led to war. The Moscow conference of Molotov and Ribbentrop resulted in agreement—the Nazi-Soviet pact—but it led to war.

The agreement we seek is an agreement which does not ignore but which acknowledges the realities.

**The hope of Khrushchev** and the danger for us is that the deep and sincere desire of the American people for peace might lead it to accept and acknowledge the right of the Soviet government not only to retain the subject peoples it already controls, but to extend its power into the heart of Europe.

A further word is necessary on the distinction between governments and trade unions. It is necessary to stress this distinction because of a growing tendency to ignore it. In some quarters it is being said, "If East-West Governments meet, why not East-West trade union meetings to match these political parleys?"

The fallacy here is obvious. There is no similarity between the two types of meetings. Negotiations between the competent bodies, the governments, is absolutely necessary if we are to avoid war involving the use of the weapons of mass destruction now available. The so-called Soviet Trade Unions are not able to take any decisions without reference to their governments. How much the more is this true for organizations in the satellite countries subordinate as they are to governments which themselves are only puppets of the Russians.

In this world of hydrogen bombs and fantastically accurate intercontinental missiles, no hope or avenue for agreement can be ignored. Our people must, however, be informed and our negotiators clear-headed. Our prayer is that, despite the obstacles, world catastrophe can be avoided.

## AFL-CIO Conference on World Affairs

AFL-CIO President George Meany will keynote the AFL-CIO Conference on World Affairs to be held in the Hotel Commodore, New York, on April 19 and 20 with an address on "American Labor and the World Crisis." AFL-CIO Vice President George M. Harrison will open the conference. Other speakers:

Professor Frank Tannebaum, Columbia University, "Inter-American Unity and World Freedom"; Professor David N. Rowe, Yale University, "The Far East and the World of Tomorrow"; Dr. Ernest Grigg, assistant director of United Nations development, "Africa and the Near East—the Problems of Economic Progress and Freedom"; General John B. Medaris, "The State of Our National Defense"; Dr. Henry A. Kissinger, Harvard University, "Germany—the Core of the European Problem and the Summit"; former Deputy Secretary of Defense William C. Foster, "Essentials of an Effective Foreign Policy for the U.S."

Under-Secretary of State Douglas Dillon will speak at a post-conference dinner at which AFL-CIO Vice President Walter P. Reuther will preside.

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# AMERICANS

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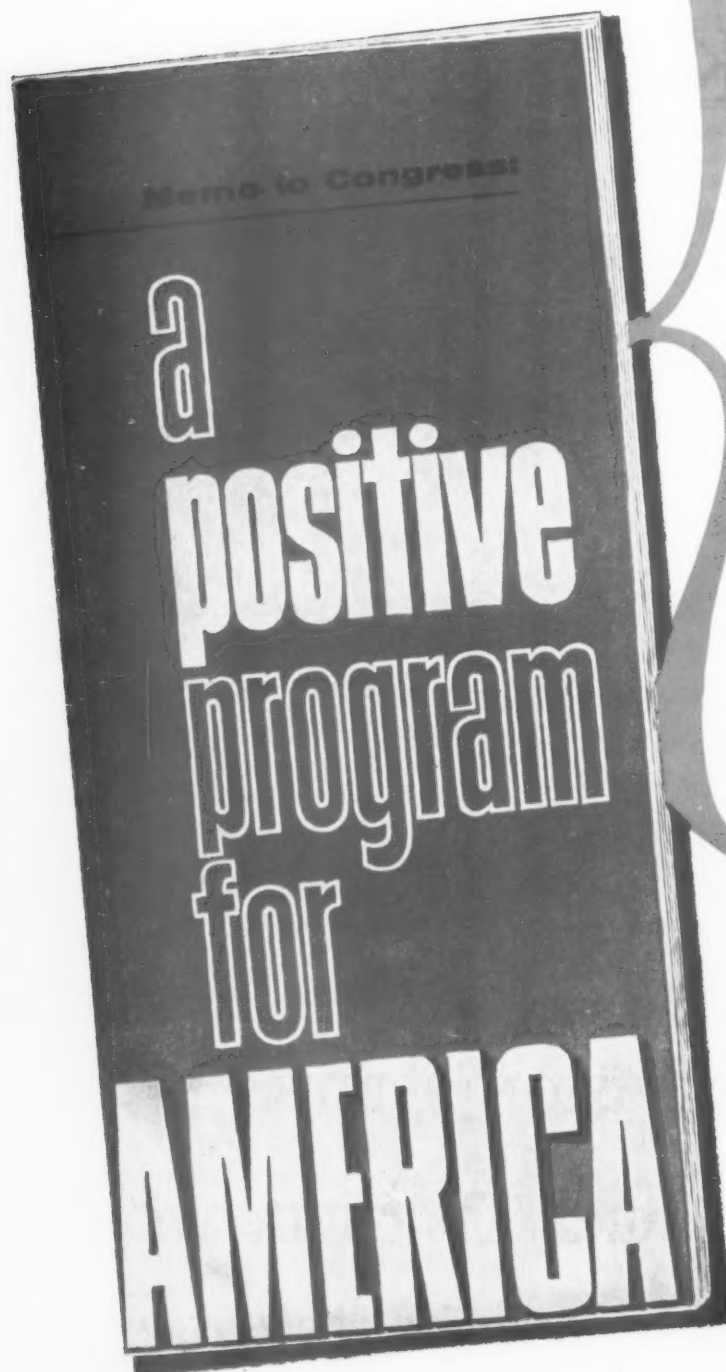
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**Promote Economic Growth**

**Protect Labor Standards**

**Overhaul Tax System**

**Develop America's  
Resources**

**Protect Family Farmers**

Copies of this pamphlet containing a full explanation of the AFL-CIO's "Positive Program for America" can be obtained from the AFL-CIO Dept. of Publications, 815 16th Street, N.W., Wash. 6, D. C. Single copy free.